

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-43, 45-49, 51-112 and 114-115 are canceled without prejudice or disclaimer. Applicants reserve the right to prosecute the canceled subject matter in a divisional or continuation application. Claims 44 and 50 are withdrawn as drawn to a non-elected invention. New claims 116-122 are added herein. Claims 113 and 116-122 are presently under examination.

Claim Amendments

Claims 44 and 50 are amended, respectively, to recite a method for treating human medullary carcinoma or human colorectal cancer comprising administering to a subject a composition according to claim 113. The amendment is supported in the specification at least in Examples 1, 2, 7-9 and 14-17.

New claim 116 is added to recite the composition of claim 113, wherein the naked hMN-14 antibody comprises at least one amino acid substituted from the corresponding framework region sequences (FRs) of a murine MN-14 monoclonal antibody, selected from the group consisting of heavy chain amino acid residues 24, 28, 30, 48, 49, 74 and 94. The amendment is supported in the specification at least at Paragraph **0008**.

New claim 117 is added to recite the composition of claim 113, further comprising a therapeutic agent. The amendment is supported in the specification at least at Paragraph **0010** and Examples 10 and 13.

New claim 118 is added to recite the composition of claim 117, wherein the therapeutic agent is selected from the group consisting of another naked antibody, a cytotoxic agent, a drug, a radionuclide, an immunomodulator, a photoactive therapeutic agent, an immunoconjugate or a hormone. The amendment is supported in the specification at least at Paragraph **0011** and Examples 10 and 13.

New claim 119 is added to recite composition of claim 118, wherein the drug is selected from the group consisting of nitrogen mustards, ethylenimine derivatives, alkyl sulfonates, nitrosoureas, triazenes, folic acid analogs, anthracyclines, taxanes, COX-2 inhibitors, pyrimidine analogs, purine analogs, antimetabolites, antibiotics, epipodophyllotoxins, platinum coordination complexes, vinca alkaloids, substituted ureas, methyl hydrazine derivatives, adrenocortical

suppressants, endostatin, taxols, camptothecins, oxaliplatin and doxorubicin. The amendment is supported by the specification at least at Paragraph **0017**.

New claim 120 is added to recite the composition of claim 118, wherein the toxin is selected from the group consisting of ricin, abrin, alpha toxin, saporin, ribonuclease (RNase), DNase I, Staphylococcal enterotoxin-A, pokeweed antiviral protein, gelonin, diphtheria toxin, Pseudomonas exotoxin, and Pseudomonas endotoxin. The amendment is supported by the specification at least at Paragraph **0018**.

New claim 121 is added to recite the composition of claim 118, wherein the immunomodulator is selected from the group consisting of a cytokine, a stem cell growth factor, a lymphotoxin, a hematopoietic factor, a colony stimulating factor (CSF), an interferon (IFN), a stem cell growth factor, erythropoietin, thrombopoietin, a tumor necrosis factor (TNF), TNF- α , an interleukin (IL), IL-1, IL-2, IL-3, IL-6, IL-10, IL-12, IL-18, IL-21, granulocyte-colony stimulating factor (G-CSF), granulocyte macrophage-colony stimulating factor (GM-CSF), interferon- α , interferon- β , interferon- γ and a stem cell growth factor designated "S1 factor." The amendment is supported by the specification at least at Paragraph **0019**.

New claim 122 is added to recite the composition of claim 118, wherein the radionuclide is selected from the group consisting of ^{32}P , ^{33}P , ^{47}Sc , ^{59}Fe , ^{64}Cu , ^{67}Cu , ^{75}Se , ^{77}As , ^{89}Sr , ^{90}Y , ^{99}Mo , ^{105}Rh , ^{109}Pd , ^{111}Ag , ^{125}I , ^{131}I , ^{142}Pr , ^{143}Pr , ^{149}Pm , ^{153}Sm , ^{161}Tb , ^{166}Ho , ^{169}Er , ^{177}Lu , ^{186}Re , ^{188}Re , ^{189}R , ^{194}Ir , ^{198}Au , ^{199}Au , ^{211}Pb , ^{212}Pb , and ^{213}Bi , ^{58}Co , ^{67}Ga , $^{80\text{m}}\text{Br}$, $^{99\text{m}}\text{Tc}$, $^{103\text{m}}\text{Rh}$, ^{109}Pt , ^{111}In , ^{119}Sb , ^{161}Ho , $^{189\text{m}}\text{Os}$, ^{192}Ir , ^{152}Dy , ^{211}At , ^{212}Bi , ^{223}Ra , ^{219}Rn , ^{215}Po , ^{211}Bi , ^{225}Ac , ^{221}Fr , ^{217}At , ^{213}Bi , ^{88}Y and ^{255}Fm . The amendment is supported by the specification at least at Paragraph **0109**.

Applicants submit that no new matter is added by amendment.

Claim Rejections – 35 U.S.C. 112 1st Paragraph

Claims 111 and 114-115 were rejected under 35 U.S.C. 112, 1st paragraph for lack of enablement. Cancellation of those claims moots the rejection. Applicants note that claim 113 was considered by the Action to be allowable. All presently pending claims either depend from claim 113 or otherwise incorporate all the limitations of claim 113. Applicants respectfully submit that all of the pending claims satisfy the requirements of 35 U.S.C. 112, 1st paragraph with respect to the enablement requirement.

Conclusion

For the reasons stated above, Applicants submit that the amended claims are in condition for allowance and request withdrawal of the rejections. Further, since withdrawn claims 44 and 50 are method claims that depend from or otherwise incorporate all of the limitations of the allowable product claim 113, Applicants respectfully request rejoinder of claims 44 and 50.

Respectfully submitted,

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